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U.S. MAGISTRATE JUDGE

BY _____

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAISY JEANETTE DELGADO,

Defendant.

Case No. 2:19-mj-00770-NJK

COMPLAINT for violation of:

Operating a Motor Vehicle while
Under the Influence of Alcohol
(36 C.F.R. § 4.23(a)(1))

Operating a Motor Vehicle with a
BAC of 0.08 Grams and Higher
(36 C.F.R. § 4.23(a)(2))

Driving without a valid Driver's License
(36 C.F.R. § 4.2(b); N.R.S. 483.550(1));

Open Container of Alcohol in Vehicle
(36 C.F.R. § 4.14(b))

BEFORE the United States Magistrate Judge, Las Vegas, Nevada, the undersigned
complainant, being first duly sworn, states that:

COUNT ONE

Operating a Motor Vehicle while Under the Influence of Alcohol
(36 C.F.R. § 4.23(a)(1))

On or about October 5, 2019, in the State and Federal District of Nevada, within the
boundaries of the Lake Mead National Recreation Area, **DAISY JEANETTE DELGADO**,
defendant herein, operated a 2007 silver Ford Mustang bearing Nevada registration AL0772,
under the influence of alcohol to a degree that rendered the defendant incapable of safe

1 operation, to wit: DELGADO operated said vehicle and nearly collided with a ranger's
2 marked patrol vehicle while she was turning into Long View Overlook off of Lakeshore
3 Drive; DELGADO had a moderate odor of an alcoholic beverage on her breath and her eyes
4 appeared watery; DELGADO's speech was slurred and she had enunciation problems;
5 DELGADO's balance was wobbling and swaying and she leaned on the vehicle for support;
6 DELGADO stated that she was fine and understood the instructions that the ranger was
7 giving, but then would fail to perform as instructed; multiple open containers of Modelo beer
8 were located in the vehicle's passenger compartment ; DELGADO performed poorly on
9 standard field sobriety tests and provided "Intoxilyzer 8000" test results of 0.257 grams and
10 0.244 grams of alcohol per 210 liters of breath, respectively; all in violation of Title 36, Code
11 of Federal Regulations, Section 4.23(a)(1).

12 **COUNT TWO**

13 ***Operating a Motor Vehicle with a BAC of 0.08 Grams and Higher***
14 **(36 C.F.R. § 4.23(a)(2))**

15 On or about October 5, 2019, in the State and Federal District of Nevada, within the
16 boundaries of the Lake Mead National Recreation Area, DAISY JEANETTE DELGADO,
17 defendant herein, operated a 2007 silver Ford Mustang bearing Nevada registration AL0772,
18 with an alcohol concentration in the defendant's breath of 0.08 grams and more of alcohol
19 per 210 liters of breath, to wit: "Intoxilyzer 8000" test results of 0.257 grams and 0.244 grams
20 of alcohol per 210 liters of breath, respectively; all in violation of Title 36, Code of Federal
21 Regulations, Section 4.23(a)(2).
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COUNT THREE

Driving without a valid Driver's License
(36 C.F.R. § 4.2(b); N.R.S. 483.550(1))

That on or about October 5, 2019, in the State and Federal District of Nevada, within the boundaries of the Lake Mead National Recreation Area, **DAISY JEANETTE DELGADO**, defendant herein, operated a 2007 silver Ford Mustang bearing Nevada registration AL0772 on a highway or on premises to which the public has access at a time when she had no valid driver's license; all in violation of Title 36, Code of Federal Regulations, Section 4.2(b), and Nevada Revised Statute 483.550(1).

COUNT FOUR

Open Container of Alcohol in a Motor Vehicle
(36 C.F.R. § 4.14(b))

On or about October 5, 2019, in the State and Federal District of Nevada, within the boundaries of the Lake Mead National Recreation Area, **DAISY JEANETTE DELGADO**, defendant herein, operated a 2007 silver Ford Mustang bearing Nevada registration AL0772 and did carry and store a bottle, can, and other receptacle containing an alcoholic beverage that is open, and has been opened, and whose seal is broken and the contents of which have been partially removed, within a motor vehicle in a park area, which is prohibited, to wit: **DELGADO** operated said vehicle and was found to have three open 12-ounce cans of Modelo beer in the vehicle which were about $\frac{1}{2}$ to $\frac{1}{4}$ full; all in violation of Title 36, Code of Federal Regulations, Section 4.14(b).

Complainant, as and for probable cause, states the following:

1. Complainant is a Park Ranger with the National Park Service, Lake Mead National Recreation Area, Clark County, Nevada, and has been employed as a law enforcement officer for over 20 years.

1 2. The following information is the result of either complainant's own personal
2 investigation or has been provided by other law enforcement officers:

3 (a) On October 5, 2019, National Park Service Ranger Andrew Ramos
4 was on routine patrol within the boundaries of the Lake Mead National Recreation Area,
5 Clark County, Nevada.

6 (b) Ranger Ramos received a radio call from National Park Service Ranger
7 Warren Schlesinger regarding a 2007 silver Ford Mustang bearing Nevada registration
8 AL0772 which nearly collided with his marked patrol vehicle while turning into Long View
9 Overlook off of Lakeshore Drive.

10 (c) Ranger Ramos arrived at the Long View Overlook where Ranger
11 Schlesinger had conducted a traffic stop on the 2007 silver Ford Mustang bearing Nevada
12 registration AL0772. Ranger Schlesinger advised that when he made contact with the
13 operator he detected a strong odor of an alcoholic beverage emanating from the vehicle and
14 the operator's speech was slow and slurred. The operator also appeared to have difficulty
15 removing the keys from the vehicle ignition. Ranger Schlesinger also observed an open 12-
16 ounce container of Modelo beer in the vehicle's center cup holder which was found to be
17 about ¼ full. An open 12 pack of Modelo beer was also observed behind the driver's seat.
18 Ranger Schlesinger identified the vehicle passenger as S.D. who stated the open Modelo beer
19 belonged to him.

20 (d) Ranger Ramos arrived on scene and received information from Ranger
21 Schlesinger then made contact with the operator who was identified as **DAISY JEANETTE**
22 **DELGADO** from her expired Nevada identification card. A standard computer records
23 check found that she did not have a current state issued driver's license.

1 (e) During this face-to-face contact with **DAISY JEANETTE**
2 **DELGADO**, Ranger Ramos detected a moderate odor of an alcoholic beverage on her
3 breath and her eyes appeared watery. **DELGADO**'s speech was slurred and she had
4 enunciation problems. **DELGADO**'s balance was wobbling and swaying and she leaned on
5 the vehicle for balance. **DELGADO** would state that she was fine and understood the
6 instructions that Ranger Ramos was giving her but then she would fail to perform as
7 instructed.

8 (f) The following are the results of Field Sobriety Tests administered to
9 **DAISY JEANETTE DELGADO**.

10 1. Horizontal Gaze Nystagmus test: **DELGADO**'s eyes lacked smooth pursuit,
11 had distinct and sustained nystagmus at maximum deviation, and showed onset of
12 nystagmus prior to 45 degrees.

13 2. Walk-and-Turn test: **DELGADO** could not keep balance during the
14 Instruction Phase and started before the instructions were complete. During the Walking
15 Phase she did not touch heel-to-toe, lost her balance while walking and used her arms for
16 balance, she did not turn as instructed, and did not take the instructed number of steps.

17 3. One-Leg-Stand Test: **DELGADO** swayed while balancing and put her foot
18 down three times. **DELGADO** was unable to complete this test and it was terminated for
19 safety reasons.

20 4. Preliminary breath test / Lifeloc: **DELGADO** result of this test was .268
21 percent by weight of alcohol.

22 (g) Based on Ranger Ramos's training and experience, **DAISY**
23 **JEANETTE DELGADO**'s physical and objective symptoms of intoxication, Ranger Ramos
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1 formed the opinion that **DELGADO** had been operating a motor vehicle while under the
2 influence of alcohol placed **DELGADO** under arrest.

3 (h) After observing the open container of Modelo beer in the vehicles cup
4 holder, Ranger Schlesinger found that there were four beers missing from the open Modelo
5 beer case. Ranger Schlesinger located two more open 12-ounce containers of Modelo beer
6 sitting on the floor board behind the driver's seat. One can was about $\frac{1}{4}$ full and the other
7 was about $\frac{1}{2}$ full. The vehicle passenger S.D. stated that one of the open containers of
8 alcohol belonged to **DAISY JEANETTE DELGADO**, and she had placed it behind the
9 driver's seat when she was initially stopped.

10 (i) **DAISY JEANETTE DELGADO** was transported to the Boulder
11 Beach Ranger Station where an "Intoxilyzer 8000" breath test was administered to her. The
12 results of the test were 0.257 grams and 0.244 grams of alcohol per 210 liters of breath
13 respectively.

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16 
CHRIS RAYNOLDS, Park Ranger
National Park Service

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18 SUBSCRIBED and SWORN to before me
this 7th day of October, 2019.

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HONORABLE NANCY J. KOPPE
22 UNITED STATES MAGISTRATE JUDGE
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